



6317 03/19/07

\$1,625.00 ✓

OFFICE OF
INSURANCE COMMISSIONER

In the Matter of)	No. D 2007-65
)	
GUARANTEE COMPANY OF NORTH)	CONSENT ORDER
AMERICA USA, THE,)	IMPOSING A FINE
)	
An Authorized Insurer.)	
)	

Findings of Fact:

1. The Guarantee Company of North America USA ("Guarantee Company") is authorized to conduct surety insurance business in Washington State.
2. After a failed attempt on March 30, 2005, Guarantee Company completed the electronic filing of its calendar year 2004 April Supplemental filing with the Office of the Insurance Commissioner ("OIC") on May 12, 2005.
3. Guarantee Company filed its calendar year 2004 Audited Financial Report paper signature page with the OIC on May 31, 2005. However, Guarantee Company did not electronically file its calendar year 2004 Audited Financial Report with the OIC until June 30, 2005.
4. Guarantee Company electronically filed its calendar year 2005 Annual Statement and Statement of Actuarial Opinion with the OIC on February 28, 2006. However, Guarantee Company did not file the respective paper signature pages with the OIC until May 15, 2006.
5. Guarantee Company filed its calendar year 2005 Audited Financial Report paper signature page with the OIC on May 19, 2006. However, Guarantee Company did not electronically file its calendar year 2005 Audited Financial Report with the OIC until July 3, 2006.

Conclusions of Law:

1. Guarantee Company's failure to timely complete the filing of its calendar year 2004 April Supplemental filing, calendar year 2005 Annual Statement, and calendar years 2004 and 2005 Audited Financial Reports with the OIC constitute four violations of RCW 48.05.250.
2. RCW 48.05.185 authorizes the Insurance Commissioner to impose a fine in lieu of or in addition to the suspension or revocation of an insurer's certificate of authority.



Consent to Order:

Guarantee Company consents to the following, in order to resolve this matter without further legal or administrative proceedings. The Insurance Commissioner consents to resolve this matter in consideration of the insurer's payment of a fine as set forth below.

1. Guarantee Company consents to the entry of the foregoing Findings of Fact and Conclusions of Law, and acknowledges its duty to comply fully with all applicable laws and regulations of the State of Washington. It waives further administrative or legal challenge to the actions taken, or to be taken, by the Insurance Commissioner, related to the subject matter of this Order.
2. Within thirty days of the entry of this Order, Guarantee Company will pay to the Insurance Commissioner a fine in the amount of \$1,625 (one thousand six hundred twenty five dollars).
3. Failure to pay the fine in full within thirty days of the entry of this order will constitute grounds for revocation of the certificate of authority held by Guarantee Company in Washington State. It will also result in a civil action being brought by the Attorney General on behalf of the Insurance Commissioner, to recover the fine.

Executed this 27TH day of FEBRUARY, 2007.

THE GUARANTEE COMPANY OF NORTH AMERICA USA

By: Sara Schrauben

Printed Name: SARA SCHRAUBEN

Printed Corporate Title: TREASURER

Pursuant to the foregoing Findings of Fact, Conclusions of Law, and Consent to Order, the Insurance Commissioner orders as follows:

Order:

1. The Guarantee Company of North America USA is ordered to pay, within thirty days of the entry of this order, a fine in the amount of \$1,625 (one thousand six hundred twenty five dollars).

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2. Failure to pay the fine timely and in full will constitute grounds for revocation of the certificate of authority held by The Guarantee Company of North America USA in Washington State. It will also result in a civil action being brought by the Attorney General on behalf of the Insurance Commissioner, to recover the fine.

Executed this 2nd day of March, 2007

MIKE KREIDLER
Insurance Commissioner

By: 

James T. Odiorne
Company Supervision Division